

April 15, 2002

Mr. William H. Jackson
Vacumet Corp., Metallized Paper Division
2162 North Hastings Boulevard
Greenfield, Indiana 46140

Re: R 059-13304-00023
First Reopening to Part 70 Operating
Permit
T 059-7996-00023

Dear Mr. Jackson:

Vacumet Corp., Metallized Paper Division was issued a Part 70 Operating Permit on January 19, 1999. The Office of Air Quality (OAQ) has determined that it is necessary to reopen your Part 70 permit. Notice of the permit reopening pursuant to 326 IAC 2-7-9(c) was provided on August 16, 2000.

As stated in the Notice, the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was changed from "continuous or intermittent compliance" to "based on continuous or intermittent data" as part of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (Federal Register Volume 62, page 54900-54947, Wednesday, October 22, 1997). The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, saying that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727) Therefore, the following change is being made to your permit to be consistent with state and federal law.

Condition B.11(c)(3) is revised as follows:

B.11 Annual Compliance Certification [326 IAC 2-7-6(5)]

- (c) The annual compliance certification report shall include the following:
- (1) The appropriate identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was ~~based on~~ continuous or intermittent data;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3); and
 - (5) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ, may require to determine the compliance status of the source.

Vacumet Corp., Metallized Paper Division
Greenfield, Indiana
Reviewer: Gary Freeman

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All other conditions of the permit shall remain unchanged and in effect. Please attach a copy of this reopening and the following revised permit pages to the front of the original permit.

This decision is subject to the Indiana Administrative Orders and Procedures Act - IC 4-21.5-3-5. If you have any questions on this matter, please contact Stacey Pfeffer, at (800) 451-6027, press 0 and ask for Stacey Pfeffer or extension 3-2628, or dial (317) 233-2628.

Sincerely,

Original signed by Paul Dubenetzky

Paul Dubenetzky, Chief
Permits Branch
Office of Air Quality

Attachments

SP/gkf

cc: File Hancock County
Hancock County Health Department
Air Compliance Section Inspector - D J Knotts
Compliance Data Section - Karen Nowak
Administrative and Development File
Technical Support and Modeling - Michele Boner

PART 70 OPERATING PERMIT and ENHANCED NEW SOURCE REVIEW OFFICE OF AIR QUALITY

**Vacumet Corp., Metallized Paper Division
2162 North Hastings Boulevard
Greenfield, Indiana 46140**

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this permit.

This permit is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 and 326 IAC 2-1-3.2 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17.

Operation Permit No.: T059-7996-00023	
Issued by: Janet G. McCabe, Assistant Commissioner Office of Air Quality	Issuance Date: January 19, 1999 Expiration Date: January 19, 2004

Administrative Amendment 059-12631-00023, issued October 23, 2000

First Reopening: R 059-13304-00023	Page Affected: 8
Original signed by Paul Dubenetzky Issued by: Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: April 15, 2002

and

United States Environmental Protection Agency, Region V
Air and Radiation Division, Air Enforcement Branch - Indiana (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

- (b) The annual compliance certification report required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.
- (c) The annual compliance certification report shall include the following:
 - (1) The identification of each term or condition of this permit that is the basis of the certification;
 - (2) The compliance status;
 - (3) Whether compliance was continuous or intermittent;
 - (4) The methods used for determining compliance of the source, currently and over the reporting period consistent with 326 IAC 2-7-5(3);
 - (5) Any insignificant activity that has been added without a permit revision;
 - (6) Such other facts, as specified in Sections D of this permit, as IDEM, OAQ may require to determine the compliance status of the source.

The submittal by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

B.12 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)]
[326 IAC 1-6-3]

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- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMP) within ninety (90) days after issuance of this permit, including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions;
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If due to circumstances beyond its control, the PMP cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management Office of Air Quality

Addendum to the Technical Support Document for a Part 70 Operating Permit

Source Name: ***Vacumet Corp., Metallized Paper Division***
Source Location: ***2162 North Hastings Boulevard, Greerfield, Indiana 46140***
County: ***Hancock***
SIC Code: ***2672***
Operation Permit No.: ***T059-7996-00023***
Permit Reviewer: ***Gary Freeman***

On January 31, 2002, the Office of Air Quality (OAQ) had a notice published in the Daily Reporter, Greenfield, Indiana, stating that the Part 70 permit issued to Vacumet Corp., Metallized Paper Division was being reopened to incorporate a change required by the U.S. District Court off Appeals ruling in Natural Resource Defense Council (NRDC) vs. EPA, Docket No. 97-1727 (D.C. Circuit). Apart of the U.S. EPA's 1997 Compliance Assurance Monitoring rule making (federal Register Volume 62, page 54900-54947, Wednesday October 22, 1997), the language in 40 CFR Part 70.6(c)(5)(iii)(B)) was change from "continuous or intermittent compliance " to "based on continuous or intermittent data". The U.S. District Court of Appeals, Washington D.C. ruled against EPA's language, holding that the Clean Air Act wording of continuous or intermittent compliance had to be used. (NRDC vs. EPA, #97-1727). The notice also stated that OAQ proposed to issue a permit for this change and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

On March 5, 2002, Mr. Bill Jackson, Vacumet Corp., Metallized Paper Division submitted a comment regarding the public notice. His comment is as follows:

The U.S. District Court of Appeals, Washington D.C., in its October 29, 1999 opinion, (in the case of Natural resources Defense Council (NRDC) vs. EP#97-1727 consolidated with #97 -1732) upheld the NRDC argument that EPA's operating permit compliance certification regulations are inconsistent. The certification regulations were remanded to EPA for revision to correct the inconsistency.

On March 1, 2001, in a direct final rule (66 FR 12871-12877), EPA revised the compliance certification requirements to reflect the 1999 court decision. Vacumet believes that the proposed permit revisions by IDEM are in accordance with the March 1, 2001 rule division by EPA..

However, on November 5, 2001, EPA withdrew the March 1, 2001 revisions (66 FR 55883-55885). As EPA has withdrawn the March 1, 2001 rule revisions, Vacumet believes that no changes to the Title V permit are necessary at this time.

Response to the Vacumet comment provided by Meredith Kostek, IDEM, Office of Legal Counsel (OLC):

IDEM understands Vacumet's concern with the permit reopening request No. R059-13304-00023. However, this reopening was not issued to comport with EPA's March 1, 2001 direct final rule, as printed in the federal register (66 FR 12872) but with 326 IAC 2-7-6(5)(c)(iii).

The permit terms found in Vacumet's permit do not currently comply with the state law, however, this reopening should fix any discrepancies between the permit and 326 IAC 2-7-6. Thank you for your concern over the federal rulemaking. Please let us know if you have further questions.